



Queensland

Transport and Other Legislation Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Adult Proof of Age Card Act 2008*, the *Heavy Vehicle National Law Act 2012*, the *Mineral Resources Act 1989*, the *Police Powers and Responsibilities Act 2000*, the *Transport Infrastructure Act 1994*, the *Transport Operations (Marine Safety) Act 1994*, the *Transport Operations (Passenger Transport) Act 1994*, the *Transport Operations (Road Use Management) Act 1995*, and the *Transport Planning and Coordination Act 1994*, and to make consequential or minor amendments of the Acts mentioned in schedule 1, for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Transport and Other Legislation
Amendment Act 2014*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by
proclamation— 7
8

- (a) part 3; 9
- (b) sections 15, 28, 30 and 41; 10
- (c) section 54(2); 11
- (d) sections 59, 62, 64, 67 to 71, and 73; 12
- (e) section 76(2), (4), (5), (7), (8) and (9); 13
- (f) sections 78, 79 and 81; 14
- (g) section 82(1), (2) and (4); 15
- (h) sections 84, 88, 92 to 100, and 102 to 106; 16
- (i) section 107(2), (4), (5) and (6); 17
- (j) section 115; 18
- (k) schedule 1, amendments for the *Transport
Infrastructure Act 1994*, amendment 40. 19
20

Part 2	Amendment of Adult Proof of Age Card Act 2008	1 2
Clause 3	Act amended	3
	This part amends the <i>Adult Proof of Age Card Act 2008</i> .	4
Clause 4	Amendment of s 36 (Restricted access to information electronically stored on card)	5 6
	(1) Section 36(1)(c)—	7
	<i>omit.</i>	8
	(2) Section 36(1)(d), ‘subject to subsection (2),’—	9
	<i>omit.</i>	10
	(3) Section 36(1)(d)—	11
	<i>renumber</i> as section 36(1)(c).	12
	(4) Section 36(2)—	13
	<i>omit.</i>	14
	(5) Section 36(3), definition <i>emergency contact information</i> —	15
	<i>omit.</i>	16
	(6) Section 36(3)—	17
	<i>renumber</i> as section 36(2).	18

[s 5]

Part 3	Amendment of Heavy Vehicle National Law Act 2012	1 2
Clause 5	Act amended	3
	This part amends the <i>Heavy Vehicle National Law Act 2012</i> by amending the Heavy Vehicle National Law set out in the Schedule to that Act.	4 5 6
Clause 6	Amendment of schedule, s 468 (Driver must carry accreditation details)	7 8
	(1) Schedule, section 468, heading, after ‘Driver’— <i>insert</i> — operating under BFM accreditation or AFM accreditation	9 10 11 12
	(2) Schedule, section 468(1), ‘heavy vehicle accreditation’— <i>omit, insert</i> — BFM accreditation or AFM accreditation	13 14 15
Clause 7	Amendment of schedule, s 469 (Driver must return particular documents if stops operating under accreditation etc.)	16 17 18
	(1) Schedule, section 469, heading, after ‘under’— <i>insert</i> — BFM accreditation or AFM	19 20 21
	(2) Schedule, section 469(1)(a) and (c), ‘heavy vehicle accreditation’— <i>omit, insert</i> — BFM accreditation or AFM accreditation	22 23 24 25

Clause 8	Amendment of schedule, s 470 (General requirements applying to operator with heavy vehicle accreditation)	1 2
(1)	Schedule, section 470(2), ‘The operator’—	3
	<i>omit, insert—</i>	4
	If the accreditation is BFM accreditation or AFM accreditation, the operator	5 6
(2)	Schedule, section 470(4)(b)—	7
	<i>omit, insert—</i>	8
	(b) if the operator’s heavy vehicle accreditation is BFM accreditation or AFM accreditation—	9 10 11
	(i) a current list of drivers operating under the operator’s accreditation; and	12 13
	(ii) records demonstrating the operator has complied with—	14 15
	(A) if the operator’s heavy vehicle accreditation is BFM accreditation—subsection (2); or	16 17 18
	(B) if the operator’s heavy vehicle accreditation is AFM accreditation—subsections (2) and (3); and	19 20 21 22
(3)	Schedule, section 470(4)(d)—	23
	<i>omit.</i>	24
(4)	Schedule, section 470(5)(b) and (c)—	25
	<i>omit, insert—</i>	26
	(b) for each list or record made under subsection (4)(b) or (c)—at least 3 years after the list or record is made.	27 28 29
(5)	Schedule, section 470(7)(a), ‘subsection (4)(b)’—	30
	<i>omit, insert—</i>	31
	subsection (4)(b)(i)	32

[s 9]

Part 4	Amendment of Mineral Resources Act 1989	1 2
Clause 9	Act amended	3
	This part amends the <i>Mineral Resources Act 1989</i> .	4
Clause 10	Amendment of s 271A (Deciding mining lease application)	5 6
	(1) Section 271A—	7
	<i>insert</i> —	8
	(2A) Also, a mining lease may only be granted for land below the surface of the whole or part of a reserve that is rail corridor land if—	9 10 11
	(a) the owner of the land has given written consent to the grant for the land below the surface and the applicant has lodged the consent with the chief executive; or	12 13 14 15
	(b) the Governor in Council has consented to the grant for the land below the surface.	16 17
	(2) Section 271A(2A) and (3)—	18
	<i>renumber</i> as section 271A(3) and (4).	19
Clause 11	Amendment of s 404A (Distance of excavation from railway works)	20 21
	(1) Section 404A(2), ‘the land less than 12m horizontally, or 15m vertically, from’—	22 23
	<i>omit, insert</i> —	24
	land near the railway works if the excavation is likely to adversely affect	25 26
	(2) Section 404A(3)(a), ‘chief executive officer of the railway manager for the railway’—	27 28

omit, insert— 1
owner of the rail corridor land where the railway 2
works are situated 3
(3) Section 404A(4), definition *railway manager—* 4
omit. 5

Clause 12	Insertion of new ch 15, pt 7	6
	Chapter 15—	7
	<i>insert—</i>	8
	Part 7	9
	Transitional provisions	10
	for Transport and Other	11
	Legislation	12
	Amendment Act 2014	13
	817 Mining lease application not decided before	14
	the commencement	15
	(1) This section applies to a mining lease application	16
	for land mentioned in section 271A that, on the	17
	commencement of this section, has not been	18
	decided by the Minister.	19
	(2) Section 271A(3) applies to the application.	20
Clause 13	Amendment of sch 2 (Dictionary)	21
	(1) Schedule 2, definition <i>rail corridor land—</i>	22
	<i>omit.</i>	23
	(2) Schedule 2—	24
	<i>insert—</i>	25
	<i>rail corridor land</i> means—	

	record information	1
(2)	Section 22(5)(a), ‘or (b)’—	2
	<i>omit.</i>	3
(3)	After section 22(5)(a)—	4
	<i>insert—</i>	5
	(aa) a place used by a person to carry out activities for which information must be recorded as mentioned in subsection (4)(b);	6 7 8
Clause 16	Amendment of s 195A (Definitions for pt 5A)	9
(1)	Section 195A, definitions <i>adult proof of age card, emergency contact information, marine licence indicator, prescribed document and relevant entity—</i>	10 11 12
	<i>omit.</i>	13
(2)	Section 195A—	14
	<i>insert—</i>	15
	<i>relevant entity</i> , for a registered digital photo, means—	16 17
	(a) for a registered digital photo kept under the <i>Transport Operations (Marine Safety) Act 1994—</i>	18 19 20
	(i) the chief executive of the department in which that Act is administered; or	21 22
	(ii) the general manager appointed under the <i>Maritime Safety Queensland Act 2002</i> ; or	23 24 25
	(b) for a registered digital photo kept under another prescribed smartcard Act—the chief executive of the department in which the prescribed smartcard Act is administered.	26 27 28 29

[s 17]

Clause 17	Amendment of ch 7, pt 5A, div 4, hdg (Accessing information stored electronically on a prescribed document)	1 2 3
	Chapter 7, part 5A, division 4, heading, ‘a prescribed document’—	4
	<i>omit, insert—</i>	5
	smartcard transport authorities	6
Clause 18	Amendment of s 195I (Accessing information stored electronically on a prescribed document)	7 8
	(1) Section 195I, heading, ‘prescribed document’—	9
	<i>omit, insert—</i>	10
	smartcard transport authority	11
	(2) Section 195I(1), ‘(other than any emergency contact information)’—	12 13
	<i>omit.</i>	14
	(3) Section 195I(2) to (5)—	15
	<i>omit.</i>	16
Clause 19	Amendment of s 195J (Giving copy of access approval order to relevant entity)	17 18
	(1) Section 195J, ‘prescribed document’—	19
	<i>omit, insert—</i>	20
	registered digital photo	21
	(2) Section 195J, after ‘the relevant entity’—	22
	<i>insert—</i>	23
	who keeps the registered digital photo	24
Clause 20	Amendment of s 754 (Offence for driver of motor vehicle to fail to stop motor vehicle)	25 26
	(1) Section 754(3), from ‘in’ to ‘penalty’—	27

omit, insert— 1

whether or not any other sentence is imposed 2

(2) Section 754(8)— 3

insert— 4

sentence see the *Penalties and Sentences Act* 5

1992, section 4. 6

Clause 21 Amendment of sch 6 (Dictionary) 7

Schedule 6, definitions *adult proof of age card, emergency contact* 8

information, marine licence indicator and *prescribed document—* 9

omit. 10

Part 6 Amendment of Transport Infrastructure Act 1994 11
12

Clause 22 Act amended 13

This part amends the *Transport Infrastructure Act 1994*. 14

Clause 23 Amendment of s 24 (Declaration of State-controlled roads) 15
16

Section 24(1)— 17

insert— 18

Note— 19

See sections 84CB and 105JAB for the revocation of a 20

declaration made under this subsection by the making of 21

a declaration under section 84A(1) or 105H(3). 22

[s 24]

Clause 24	Amendment of s 29 (Powers of chief executive for road works contracts etc.)	1 2
(1)	Section 29—	3
	<i>insert</i> —	4
	(5A) The chief executive may, for the State, carry out, or enter into contracts with other persons to carry out, accommodation works that are necessary or convenient to be done as a result of road works, other than work done under subsection (7).	5 6 7 8 9
(2)	Section 29(5A) to (7)—	10
	<i>renumber</i> as section 29(6) to (8).	11
Clause 25	Amendment of s 35 (Temporary occupation and use of land)	12 13
(1)	Section 35(1), ‘, the chief executive’—	14
	<i>omit, insert</i> —	15
	or accommodation works, the chief executive, or someone authorised in writing by the chief executive, (<i>temporary occupier</i>)	16 17 18
(2)	Section 35(2), ‘chief executive’—	19
	<i>omit, insert</i> —	20
	temporary occupier	21
(3)	Section 35—	22
	<i>insert</i> —	23
	(3) However, without limiting subsection (1), the subsection does authorise the chief executive to extract and use quarry material reserved to the State and administered under the <i>Forestry Act 1959</i> from land.	24 25 26 27 28

Clause 26	Amendment of s 36 (Notice of entry or permission to enter)	1
		2
(1)	Section 36(1), ‘to occupy or use land under section 35 (Temporary occupation and use of land)’—	3
	<i>omit, insert—</i>	4
	to occupy and use land under section 35 (<i>proposed temporary occupier</i>)	5
		6
		7
(2)	Section 36(1)(a)—	8
	<i>omit, insert—</i>	9
	(a) give at least 7 days written notice to the owner or occupier of the land and the following persons—	10
		11
		12
	(i) if the land is land from which quarry material mentioned in section 35(3) is to be extracted—to the chief executive of the department in which the <i>Forestry Act 1959</i> is administered;	13
		14
		15
		16
		17
	(ii) if the land is administered under the <i>Land Act 1994</i> —to the chief executive of the department in which that Act is administered; or	18
		19
		20
		21
(3)	Section 36(2)(a), after ‘road works’—	22
	<i>insert—</i>	23
	and any accommodation works	24
(4)	Section 36(2)—	25
	<i>insert—</i>	26
	(e) if accommodation works are proposed to be carried out on the land—the owner or occupier may, within 7 days after the notice is given, make submissions to the proposed temporary occupier about the accommodation works proposed to be carried out on the land.	27
		28
		29
		30
		31
		32
		33

[s 27]

- | | |
|---|-----------------------|
| (5) Section 36— | 1 |
| <i>insert—</i> | 2 |
| (3A) If accommodation works are proposed to be carried out on the land, the proposed temporary occupier must consider any submissions that are made within the 7 days after the notice is given, before carrying out the accommodation works. | 3
4
5
6
7 |
| (6) Section 36(4), ‘3 days’— | 8 |
| <i>omit, insert—</i> | 9 |
| 7 days | 10 |
| (7) Section 36(3A) to (5)— | 11 |
| <i>renumber</i> as section 36(4) to (6). | 12 |

- | | | |
|------------------|---|----------------------------|
| Clause 27 | Insertion of new s 84CB | 13 |
| | After section 84CA— | 14 |
| | <i>insert—</i> | 15 |
| | 84CB Effect of State toll road corridor land declaration on State-controlled road declaration | 16
17
18 |
| | (1) This section applies if— | 19 |
| | (a) the Minister has declared a road or route, or part of a road or route, to be a State-controlled road under section 24(1) (<i>State-controlled road declaration</i>); and | 20
21
22
23 |
| | (b) land where the State-controlled road, or part of the State-controlled road, is situated is later declared under section 84A(1) to be State toll road corridor land. | 24
25
26
27 |
| | (2) The State-controlled road declaration is revoked to the extent the declaration is for the State-controlled road, or part of the State-controlled road, situated on the State toll road corridor land. | 28
29
30
31
32 |

	(3) Section 25 does not apply to the revocation.	1
Clause 28	Amendment of s 99 (Notice to vehicle’s registered operator)	2
	Section 99(4), ‘the address’—	3
	<i>omit, insert</i> —	4
	a residential, postal or business address	5
Clause 29	Insertion of new s 105JAB	6
	After section 105JAA—	7
	<i>insert</i> —	8
	105JAB Effect of local government tollway corridor land declaration on State-controlled road declaration	9
	(1) This section applies if—	10
	(a) the Minister has declared a road or route, or part of a road or route, to be a State-controlled road under section 24(1) (<i>State-controlled road declaration</i>); and	11
	(b) land where the State-controlled road, or part of the State-controlled road, is situated is later declared under section 105H(3) to be local government tollway corridor land.	12
	(2) The State-controlled road declaration is revoked to the extent the declaration is for the State-controlled road, or part of the State-controlled road, situated on the local government tollway corridor land.	13
	(3) Section 25 does not apply to the revocation.	14
Clause 30	Amendment of s 105ZH (Notice to vehicle’s registered operator)	15
	Section 105ZH(4), ‘the address’—	16

[s 31]

omit, insert— 1
a residential, postal or business address 2

Clause 31 **Amendment of s 110 (How to apply for a rail feasibility investigator’s authority)** 3
4
Section 110— 5
insert— 6
(3) The reasonable costs and expenses incurred by 7
the chief executive in acting under sections 111 8
and 112 relation to the application are a debt 9
payable by the applicant to the State. 10

Clause 32 **Amendment of s 240 (Sublease of land to railway managers)** 11
12
(1) Section 240— 13
insert— 14
(7A) If acquired land is freehold land, the chief 15
executive must require the registrar of titles to 16
include the freehold land in the perpetual lease by 17
a written notice made under this section, instead 18
of under the *Land Act 1994*, section 360A(3). 19
(7B) The registrar of titles must amend the description 20
in the following documents to include the 21
freehold land— 22
(a) the perpetual lease; 23
(b) the sublease mentioned in subsection (4). 24
(7C) When the registrar of titles registers the 25
amendment to the perpetual lease— 26
(a) the freehold land— 27
(i) is surrendered absolutely; and 28

	(ii) becomes part of the rail transport corridor under the perpetual lease and the sublease; and	1 2 3
	(b) all interests in that part of the rail transport corridor, other than public utility easements, are extinguished.	4 5 6
(2)	Section 240(9)—	7
	<i>insert—</i>	8
	<i>perpetual lease</i> means the lease mentioned in subsection (2).	9 10
Clause 33	Amendment of s 283ZZC (Restriction on designation for community infrastructure)	11 12
	Section 283ZZC(4)—	13
	<i>omit.</i>	14
Clause 34	Amendment of s 297 (Functions)	15
(1)	Section 297(a), from ‘maintaining’ to ‘establish,’—	16
	<i>omit, insert—</i>	17
	constructing, maintaining, managing or operating, or arranging for someone else to investigate, plan, establish, construct,	18 19 20
(2)	Section 297(b), ‘construction,’—	21
	<i>omit, insert—</i>	22
	establishment, construction, maintenance,	23
(3)	Section 297—	24
	<i>insert—</i>	25
	(da) investigating, planning or carrying out accommodation works that are necessary or convenient to be done as a result of busway transport infrastructure or busway transport infrastructure works;	26 27 28 29 30

[s 35]

- (4) Section 297(da) and (e)— 1
renumber as section 297(e) and (f). 2

Clause 35 Amendment of s 299 (When land may be entered, occupied or used) 3
4

- (1) Section 299(5)— 5
insert— 6
(f) if accommodation works are proposed to be 7
carried out on the land—the owner or 8
occupier may, within 7 days after the notice 9
is given, make submissions to the person 10
about the accommodation works proposed 11
to be carried out on the land. 12

- (2) Section 299— 13
insert— 14
(6A) If accommodation works are proposed to be 15
carried out on the land, the person must consider 16
any submissions that are made within 7 days after 17
the notice is given, before carrying out the 18
accommodation works. 19

- (3) Section 299(6A) and (7)— 20
renumber as section 299(7) and (8). 21

Clause 36 Amendment of s 301 (Definition for pt 3) 22

Section 300, definition *road*— 23
omit, insert— 24

road means— 25

- (a) a road under the *Land Act 1994*; and 26
(b) a State-controlled road. 27

Clause 37	Amendment of s 303AB (Licence in relation to busway land or busway transport infrastructure)	1 2
	(1) Section 303AB(3)—	3
	<i>omit, insert—</i>	4
	(3) If the chief executive gives the registrar of titles written notice of a licence granted under subsection (1), the registrar must record the licence against the land in the appropriate register.	5 6 7 8 9
	(2) Section 303AB(3A), ‘granted under subsection (1) in relation to busway land’—	10 11
	<i>omit, insert—</i>	12
	recorded under subsection (3)	13
	(3) After section 303AB(3A)—	14
	<i>insert—</i>	15
	(3AA) No fee is payable for recording a licence under subsection (3).	16 17
	(4) Section 303AB(6)(a), ‘the <i>Local Government Act 1993</i> , section 901 or’—	18 19
	<i>omit.</i>	20
Clause 38	Omission of ss 303A–303C	21
	Sections 303A to 303C—	22
	<i>omit.</i>	23
Clause 39	Omission of ch 9, pt 4, div 3 (Ancillary works and encroachments)	24 25
	Chapter 9, part 4, division 3—	26
	<i>omit.</i>	27

[s 40]

Clause 40	Amendment of s 336 (Who may drive on a busway)	1
	Section 336(1), ‘, other than a busway common area,’—	2
	<i>omit.</i>	3
Clause 41	Omission of ch 9, pt 6 (Busway safety officers)	4
	Chapter 9, part 6—	5
	<i>omit.</i>	6
Clause 42	Amendment of s 348 (Functions)	7
	(1) Section 348(a), from ‘maintaining’ to, ‘establish,’—	8
	<i>omit, insert—</i>	9
	constructing, maintaining, managing or operating, or	10
	arranging for someone else to investigate, plan,	11
	establish, construct,	12
	(2) Section 348(b), ‘construction,’—	13
	<i>omit, insert—</i>	14
	establishment, construction, maintenance,	15
	(3) Section 348—	16
	<i>insert—</i>	17
	(ca) investigating, planning or carrying out	18
	accommodation works that are necessary or	19
	convenient to be done as a result of light rail	20
	transport infrastructure or light rail transport	21
	infrastructure works;	22
	(4) Section 348(ca) and (d)—	23
	<i>renumber</i> as section 348(d) and (e).	24
Clause 43	Amendment of s 350 (When land may be entered, occupied or used)	25
	(1) Section 350(5)—	26
		27

insert—

- (f) if accommodation works are proposed to be carried out on the land—the owner or occupier may, within 7 days after the notice is given, make submissions to the person about the accommodation works proposed to be carried out on the land.

- (2) Section 350—

insert—

- (6A) If accommodation works are proposed to be carried out on the land, the person must consider any submissions that are made within 7 days after the notice is given, before carrying out the accommodation works.

- (3) Section 350(6A) and (7)—

renumber as section 350(7) and (8).

Clause 44 Amendment of s 355A (Licence in relation to light rail land or infrastructure)

- (1) Section 355A(3)—

omit, insert—

- (3) If the chief executive gives the registrar of titles written notice of a licence granted under subsection (1), the registrar must record the licence against the land in the appropriate register.

- (2) Section 355A(3A), ‘granted under subsection (1) in relation to light rail land’—

omit, insert—

recorded under subsection (3)

- (3) After section 355A(3A)—

insert—

[s 45]

(3AA) No fee is payable for recording a licence under subsection (3). 1
2

(4) Section 355A(6)(a), ‘the *Local Government Act 1993*, section 3
901 or’— 4
omit. 5

Clause 45 Amendment of s 475ZG (Definitions for ch 15A) 6

(1) Section 475ZG, definition *transport interface object*— 7
omit. 8

(2) Section 475ZG— 9
insert— 10

public marine transport infrastructure works 11
means works done for— 12

(a) constructing public marine facilities or 13
things associated with public marine 14
facilities; or 15

(b) maintaining public marine facilities or 16
things associated with public marine 17
facilities; or 18

(c) facilitating the operation of public marine 19
facilities. 20

transport associated development see *Transport 21
Planning and Coordination Act 1994*, section 3. 22

transport infrastructure works means any of the 23
following— 24

(a) busway transport infrastructure works; 25

(b) light rail transport infrastructure works; 26

(c) public marine transport infrastructure 27
works; 28

(d) transport associated development; 29

(e) railway works; 30

	(f) road works.	1
	<i>transport interface object</i> means any of the following—	2 3
	(a) transport infrastructure;	4
	(b) transport infrastructure works;	5
	(c) railway crossing;	6
	(d) State land on which transport infrastructure is located.	7 8
	<i>watercourse</i> means land that is the property of the State under the <i>Land Act 1994</i> , section 9 or 13A(1) or (2).	9 10 11
(3)	Section 475ZG, definition <i>transport interface</i> , paragraph (b)(i) and (ii), ‘or road’—	12 13
	<i>omit, insert</i> —	14
	, road or watercourse	15
Clause 46	Amendment of s 475ZI (Declaration of transport interface management area)	16 17
(1)	Section 475ZI—	18
	<i>insert</i> —	19
	(4A) If the chief executive gives the registrar of titles a copy of the gazette notice for the declaration of land or part of land as a transport interface management area, the registrar of titles must note the details of the declaration in the appropriate register.	20 21 22 23 24 25
	(4B) No fee is payable by the chief executive for the noting of the details in the appropriate register.	26 27
(2)	Section 475ZI(4A) to (5)—	28
	<i>renumber</i> as section 475ZI(5) to (7).	29

[s 47]

Clause	47	Insertion of new s 477AA	1
		After section 477A—	2
		<i>insert</i> —	3
		477AA Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act	4
			5
			6
		(1) This section applies if, under the Planning Act—	7
		(a) land that is transport land is to be designated for community infrastructure; or	8
			9
		(b) an application requires notice to be given to an owner of adjoining land and the land is transport land; or	10
			11
			12
		(c) the consent of an owner of land that is transport land is otherwise required.	13
			14
		(2) For the purposes of the Planning Act, the chief executive is taken to be the owner of the land that is transport land.	15
			16
			17
		(3) In this section—	18
		<i>transport land</i> means State land held for a transport purpose by the department in which the <i>Transport Planning and Coordination Act 1994</i> is administered.	19
			20
			21
			22
		<i>Note</i> —	23
		See section 247 for transport land that is rail corridor land or non-rail corridor land.	24
			25
Clause	48	Amendment of s 477F (Watercourse crossings)	26
		(1) Section 477F(1)—	27
		<i>omit, insert</i> —	28
		(1) Subject to this or another Act—	29
		(a) the chief executive, or a person authorised in writing by the chief executive, may—	30
			31

-
- | | | |
|------|---|----------------------------------|
| (i) | survey and resurvey a watercourse crossing; and | 1
2 |
| (ii) | construct, augment, improve, maintain, operate and replace a watercourse crossing; and | 3
4
5 |
| (b) | the chief executive may name and number a watercourse crossing. | 6
7 |
| (2) | After section 477F(1)— | 8 |
| | <i>insert—</i> | 9 |
| (1A) | If the chief executive gives a copy of the prescribed details for an authorisation under subsection (1)(a)(ii) for a watercourse crossing to the registrar of titles, the registrar of titles must note the prescribed details against the relevant land in the appropriate register. | 10
11
12
13
14
15 |
| (3) | Section 477F(2), definition <i>transport infrastructure—</i> | 16 |
| | <i>omit.</i> | 17 |
| (4) | Section 477F(2)— | 18 |
| | <i>insert—</i> | 19 |
| | <i>prescribed details</i> , for an authorisation under subsection (1)(a)(ii) for a watercourse crossing, means the following— | 20
21
22 |
| (a) | the name and other identifying details of the watercourse crossing; | 23
24 |
| (b) | the name of the person to whom the authorisation is given; | 25
26 |
| (c) | the term of the authorisation. | 27 |
| | <i>relevant land</i> means the land adjoining the watercourse crossing. | 28
29 |
| (5) | Section 477F(1A) and (2)— | 30 |
| | <i>renumber</i> as section 477F(2) and (3). | 31 |
-

[s 49]

Clause 49	Replacement of s 477G (Chief executive may approve a compliance management plan)	1 2
	Section 477G—	3
	<i>omit, insert—</i>	4
	477G Chief executive may approve a compliance management plan	5 6
	(1) This section applies if, under a transport Act, the chief executive grants or enters into, or proposes to grant or enter into, an arrangement to establish, construct, maintain, manage or operate transport infrastructure with a relevant entity.	7 8 9 10 11
	(2) The chief executive may ask or give consent to the relevant entity to submit a compliance management plan (a <i>CMP</i>) addressing 1 or more compliance matters for the arrangement.	12 13 14 15
	(3) If subsection (2) applies, the relevant entity may submit to the chief executive a <i>CMP</i> for the compliance matter.	16 17 18
	(4) A <i>CMP</i> may apply, adopt or incorporate any document.	19 20
	(5) The chief executive may approve a <i>CMP</i> for a compliance matter only if the chief executive—	21 22
	(a) has consulted the relevant agency; and	23
	(b) is satisfied the compliance matter is adequately addressed in the <i>CMP</i> .	24 25
	(6) The chief executive may approve a <i>CMP</i> subject to any conditions (<i>CMP conditions</i>) the chief executive considers necessary or desirable.	26 27 28
	(7) If the chief executive approves a <i>CMP</i> subject to <i>CMP conditions</i> , the conditions form part of the approved <i>CMP</i> .	29 30 31
	(8) If the chief executive approves a <i>CMP</i> , the chief executive must give written notice to the relevant entity stating—	32 33 34

-
- (a) that the CMP is approved; and 1
- (b) any conditions the chief executive imposed 2
under subsection (6); and 3
- (c) the date the approved CMP takes effect and 4
the date it expires; and 5
- (d) the compliance matters addressed in the 6
CMP (the *approved compliance matters*). 7
- (9) The chief executive must publish the notice and 8
any other information about the approved CMP 9
the chief executive considers appropriate on the 10
department's website. 11
- Note—* 12
- The department's website is located at 13
<www.tmr.qld.gov.au>. 14
- (10) If the relevant entity complies with the approved 15
CMP, the relevant entity is taken to have met the 16
requirements for the approved compliance 17
matters under the relevant laws. 18
- (11) In this section— 19
- address*, a compliance matter, means demonstrate 20
how the purpose of the relevant law will be 21
satisfied in relation to the compliance matter. 22
- approval*, under a relevant law for a compliance 23
matter, includes an authorisation or permit. 24
- arrangement* includes an agreement, authority, 25
approval, contract, lease, licence and permit. 26
- compliance matter*, for an arrangement, means a 27
matter— 28
- (a) regulated by an Act; and 29
- (b) relating to the establishment, construction, 30
maintenance, management or operation of 31
the transport infrastructure under the 32
arrangement. 33

[s 49]

<i>Examples—</i>	1
• the closure of a road to facilitate construction activities for which an order may be obtained under the <i>Transport Operations (Road Use Management) Act 1995</i> or a local law	2 3 4 5
• construction activities emitting dust, light, noise or odour to which standards apply under the <i>Environment Protection Act 1994</i> or a local law.	6 7 8 9
government entity includes any of the following—	10 11
(a) the State, the Commonwealth or another State; or	12 13
(b) an instrumentality, agent, authority, company, GOC or entity of the State, the Commonwealth or another State; or	14 15 16
(c) a local government.	17
relevant entity means—	18
(a) a government entity; or	19
(b) a person.	20
relevant law , for a compliance matter, means a law—	21 22
(a) under which approval is required for the compliance matter; or	23 24
(b) under which a standard applies for the compliance matter; or	25 26
(c) that provides for a relevant agency for the compliance matter to enforce compliance with the relevant law; or	27 28 29
(d) that otherwise regulates the compliance matter.	30 31
transport Act means—	32
(a) this Act; or	33

	(b) another Act, or a provision of another Act, administered by the Minister.	1 2
Clause 50	Insertion of new s 477H	3
	After section 477G—	4
	<i>insert—</i>	5
	477H Chief executive may make a compliance management plan	6 7
	(1) This section applies if the chief executive proposes to establish, construct, maintain, manage or operate transport infrastructure under a transport Act (the <i>works</i>).	8 9 10 11
	(2) The chief executive may make a compliance management plan (<i>CMP</i>) addressing 1 or more compliance matters for the works.	12 13 14
	(3) A <i>CMP</i> may apply, adopt or incorporate any document.	15 16
	(4) The chief executive may make a <i>CMP</i> only if the chief executive—	17 18
	(a) has consulted the relevant agency; and	19
	(b) is satisfied the compliance matter is adequately addressed in the <i>CMP</i> .	20 21
	(5) The chief executive must publish the <i>CMP</i> and any other information about the <i>CMP</i> the chief executive considers appropriate on the department’s website.	22 23 24 25
	<i>Note—</i>	26
	The department’s website is located at < www.tmr.qld.gov.au >.	27 28
	(6) If the chief executive makes a <i>CMP</i> subject to <i>CMP</i> conditions, the conditions form part of the approved <i>CMP</i> .	29 30 31

[s 50]

- (7) If the chief executive complies with the CMP made under this section, the chief executive is taken to have met the requirements for the compliance matters under the relevant laws. 1
2
3
4
- (8) In this section— 5
- address**, a compliance matter, means demonstrate how the purpose of the relevant law will be satisfied in relation to the compliance matter. 6
7
8
- approval**, under a relevant law for a compliance matter includes an authorisation or permit. 9
10
- compliance matter**, for the works, means a matter— 11
12
- (a) regulated by an Act; and 13
- (b) relating to the works. 14
- Examples—* 15
- the closure of a road to facilitate construction activities for which an order may be obtained under the *Transport Operations (Road Use Management) Act 1995* or a local law 16
17
18
19
 - construction activities emitting dust, light, noise or odour to which standards apply under the *Environment Protection Act 1994* or a local law. 20
21
22
23
- relevant agency**, for a compliance matter, means an entity administering a relevant law for the compliance matter. 24
25
26
- relevant law**, for a compliance matter, means a law— 27
28
- (a) under which approval is required for the compliance matter; or 29
30
- (b) under which a standard applies for the compliance matter; or 31
32
- (c) that provides for a relevant agency for the compliance matter to enforce compliance with the relevant law; or 33
34
35

	(d) that otherwise regulates the compliance matter.	1 2
	<i>transport Act</i> means—	3
	(a) this Act; or	4
	(b) another Act, or a provision of another Act, administered by the Minister.	5 6
Clause 51	Amendment of s 488 (Altering materials etc.)	7
	Section 488(3), definition <i>works</i> , paragraph (a)—	8
	<i>omit, insert—</i>	9
	(a) for a busway—busway transport infrastructure works; or	10 11
Clause 52	Amendment of s 489 (Recovery of cost of damage)	12
	Section 489(6), definition <i>works</i> , paragraph (a)—	13
	<i>omit, insert—</i>	14
	(a) for a busway—busway transport infrastructure works; or	15 16
Clause 53	Insertion of new ch 21, pt 4	17
	After section 581—	18
	<i>insert—</i>	19

[s 54]

Part 4	Transitional provisions	1
	for Transport and Other	2
	Legislation	3
	Amendment Act 2014	4

582 Recovery of chief executive's costs for rail	5
feasibility investigator's authority	6

Section 110(3) applies to an application for a rail	7
feasibility investigator's authority that is not decided	8
before the commencement of this section.	9

Clause 54	Amendment of sch 6 (Dictionary)	10
------------------	--	----

(1) Schedule 6, definitions <i>busway common area</i> , <i>railway</i> and	11
<i>watercourse</i> —	12

<i>omit.</i>	13
--------------	----

(2) Schedule 6, definition <i>relevant busway legislation</i> —	14
<i>omit.</i>	15

(3) Schedule 6—	16
<i>insert</i> —	17

<i>accommodation works</i> means temporary or	18
permanent works carried out on, over or under	19
land affected by busway transport infrastructure,	20
busway transport infrastructure works, light rail	21
transport infrastructure, light rail transport	22
infrastructure works or road works to—	23

(a) minimise the impact those works or that	24
infrastructure had on the land; or	25

(b) restore the land to its former condition,	26
purpose or use; or	27

(c) provide safety for the persons who use the	28
land.	29

<i>active transport infrastructure</i> see the <i>Transport Planning and Coordination Act 1994</i> , section 8A(3).	1 2 3
<i>community infrastructure</i> see the Planning Act, schedule 3.	4 5
<i>public marine transport infrastructure works</i> , for chapter 15A, see section 475ZG.	6 7
<i>railway</i> means a guided system, or proposed guided system, designed for the movement of rolling stock that is capable of transporting passengers or freight, or both, on a railway track and—	8 9 10 11 12
(a) includes—	13
(i) rail transport infrastructure; and	14
(ii) a railway being or proposed to be built on future railway land; but	15 16
(b) does not include—	17
(i) rolling stock; and	18
(ii) a railway mentioned in section 107(2).	19
<i>transport associated development</i> , for chapter 15A, see section 475ZG.	20 21
<i>transport infrastructure works</i> , for chapter 15A, see section 475ZG.	22 23
<i>watercourse</i> —	24
(a) for chapter 15A, see section 475ZG; or	25
(b) otherwise—includes a lake, spring, stream or swale.	26 27
(4) Schedule 6, definition <i>busway transport infrastructure works</i> —	28 29
<i>insert</i> —	30

[s 54]

(d)	establishing, constructing or maintaining transport infrastructure, other than busway transport infrastructure, if the works are—	1 2 3
(i)	directly related to an activity mentioned in paragraph (a), (b) or (c); and	4 5 6
(ii)	necessary for the safety, efficiency and operational integrity of transport infrastructure; or	7 8 9
(e)	other works declared under a regulation to be busway transport infrastructure works.	10 11
(5)	Schedule 6, definition <i>light rail transport infrastructure works</i> —	12 13
	<i>insert</i> —	14
(d)	establishing, constructing or maintaining transport infrastructure, other than light rail transport infrastructure, if the works are—	15 16 17
(i)	directly related to an activity mentioned in paragraph (a), (b) or (c); and	18 19 20
(ii)	necessary for the safety, efficiency and operational integrity of transport infrastructure; or	21 22 23
(e)	other works declared under a regulation to be light rail transport infrastructure works.	24 25
(6)	Schedule 6, definition <i>railway works</i> , paragraph (b)—	26
	<i>omit, insert</i> —	27
(b)	works for establishing, constructing or maintaining transport infrastructure, other than rail transport infrastructure, that are—	28 29 30
(i)	directly related to paragraph (a); and	31

-
- (ii) necessary for the safety, efficiency and operational integrity of transport infrastructure; or 1
2
3
- (c) other works declared under a regulation to be railway works. 4
5
- (7) Schedule 6, definition *road works*, ‘chapter 6’— 6
omit, insert— 7
 chapters 6 and 15A 8
- (8) Schedule 6, definition *road works*, paragraph (a)— 9
omit, insert— 10
- (a) works done for— 11
- (i) establishing or constructing roads or things associated with roads; or 12
13
- (ii) maintaining roads or things associated with roads (other than public utility plant); or 14
15
16
- (iii) facilitating the operation or safety of road transport infrastructure; or 17
18
- (iv) establishing, constructing or maintaining transport infrastructure, other than road transport infrastructure, if the works are— 19
20
21
22
- (A) directly related to an activity mentioned in subparagraph (i), (ii) and (iii); and 23
24
25
- (B) necessary for the safety, efficiency, operation or structural integrity of transport infrastructure; or 26
27
28
29
- (9) Schedule 6, definition *transport infrastructure*— 30
insert— 31
- (c) other rail infrastructure; and 32
-

[s 55]

(d) active transport infrastructure. 1

Part 7 **Amendment of Transport Operations (Marine Safety) Act 1994** 2
3
4

Clause 55 **Act amended** 5

This part amends the *Transport Operations (Marine Safety) Act 1994*. 6
7

Clause 56 **Amendment of s 54 (Amendment of standards)** 8

Section 54(2)(b)— 9

omit, insert— 10

(b) only provides for, or to the extent it only provides for, any of the following— 11
12

(i) a matter that is not of a legislative character, including, for example, a matter of a machinery, administrative, drafting or formal nature; 13
14
15
16

(ii) a matter that does not operate to the disadvantage of any person (other than a government entity) by decreasing the person's rights; 17
18
19
20

(iii) a matter that does not operate to the disadvantage of any person (other than a government entity) by imposing liabilities on the person; 21
22
23
24

(iv) an amendment to take account of current Queensland legislative drafting practice; 25
26
27

	(v) an amendment that does not fundamentally affect the standard's application or operation;	1 2 3
	(vi) a matter of a savings or transitional character;	4 5
	(vii) a matter that is substantially uniform or complementary with legislation of the Commonwealth or another State;	6 7 8
	(viii) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, Queensland;	9 10 11 12 13 14 15 16
	(ix) a matter advance notice of which would enable someone to gain unfair advantage.	17 18 19
Clause 57	Amendment of s 63F (Restricted access to information stored electronically on a smartcard marine licence indicator)	20 21 22
	(1) Section 63F(1)(c), 'subject to subsection (2),'— <i>omit.</i>	23 24
	(2) Section 63F(2)— <i>omit.</i>	25 26
	(3) Section 63F(3), definition <i>emergency contact information</i> — <i>omit.</i>	27 28
	(4) Section 63F(3)— <i>renumber</i> as section 63F(2).	29 30

[s 58]

Part 8	Amendment of Transport Operations (Passenger Transport) Act 1994	1
		2
		3
Clause 58	Act amended	4
	This part amends the <i>Transport Operations (Passenger Transport) Act 1994</i> .	5
		6
Clause 59	Amendment of s 41 (Other matters to be included in service contracts)	7
	Section 41(1)—	8
	<i>insert—</i>	9
		10
	(ja) require the holder to provide improved levels of productivity; and	11
		12
Clause 60	Amendment of s 42 (Declaration that service contracts are required)	13
	Section 42(2) and (3), ‘public notice’—	14
	<i>omit, insert—</i>	15
	notice on the department’s website	16
		17
Clause 61	Amendment of s 42B (Amendment of service contract area or route)	18
	(1) Section 42B(1), ‘public notice’—	19
	<i>omit, insert—</i>	20
	notice on the department’s website	21
		22
	(2) Section 42B(3), ‘public’—	23
	<i>omit.</i>	24

Clause 62	Replacement of s 51 (Conditions of funding)	1
	Section 51—	2
	<i>omit, insert—</i>	3
	51 Concessions under a service contract	4
	(1) A service contract may require the holder to provide a concession to a class of persons.	5 6
	(2) If—	7
	(a) a standard service contract requires the holder to provide a concession to a class of persons; and	8 9 10
	(b) subsection (3) does not apply;	11
	the contract must provide for the State to reimburse the holder for the concession.	12 13
	(3) If a standard service contract requires the holder to provide a concession to a class of persons prescribed by regulation, the contract may provide for the State to reimburse the holder for the concession.	14 15 16 17 18
Clause 63	Amendment of s 99 (Amendment of standards)	19
	Section 99(2)(b)—	20
	<i>omit, insert—</i>	21
	(b) only provides for, or to the extent it only provides for, any of the following—	22 23
	(i) a matter that is not of a legislative character, including, for example, a matter of a machinery, administrative, drafting or formal nature;	24 25 26 27
	(ii) a matter that does not operate to the disadvantage of any person (other than a government entity) by decreasing the person's rights;	28 29 30 31

[s 64]

- (iii) a matter that does not operate to the disadvantage of any person (other than a government entity) by imposing liabilities on the person; 1
2
3
4
- (iv) an amendment to take account of current Queensland legislative drafting practice; 5
6
7
- (v) an amendment that does not fundamentally affect the standard's application or operation; 8
9
10
- (vi) a matter of a savings or transitional character; 11
12
- (vii) a matter that is substantially uniform or complementary with legislation of the Commonwealth or another State; 13
14
15
- (viii) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, Queensland; 16
17
18
19
20
21
22
23
- (ix) a matter advance notice of which would enable someone to gain unfair advantage. 24
25
26

Clause 64	Insertion of new s 126DA	27
	After section 126D—	28
	<i>insert—</i>	29
	126DA Forfeiture on conviction	30
	(1) This section applies to a person who has been convicted of an offence against—	31 32
	(a) this Act; or	33

	(b) the <i>Transport Infrastructure Act 1994</i> , chapter 14; or	1 2
	(c) a regulation in relation to a railway made under the <i>Transport Infrastructure Act 1994</i> .	3 4
(2)	On the conviction of the person, the court may order the forfeiture to the State of any thing that—	5 6 7
	(a) is used to commit the offence; or	8
	(b) is the subject of the offence.	9
(3)	The court may make the order—	10
	(a) whether or not the thing has been seized; and	11 12
	(b) if the thing has been seized, whether or not the thing has been returned to its owner.	13 14
(4)	The court may make any order to enforce the forfeiture it considers appropriate.	15 16
(5)	This section does not limit the court’s powers under the <i>Penalties and Sentences Act 1992</i> or any other law.	17 18 19
Clause 65	Amendment of s 143AA (Definitions for ch 11A)	20
	Section 143AA, definitions <i>tag off</i> and <i>tag on</i> —	21
	<i>omit</i> .	22
Clause 66	Amendment of s 143ADA (Power to require production of tickets)	23 24
	Section 143ADA(1), ‘anyone’—	25
	<i>omit, insert</i> —	26
	a person	27

[s 67]

Clause 67	Amendment of s 143ADB (Evidence of concession entitlement)	1
		2
(1)	Section 143ADB(1)(a), ‘; or’—	3
	<i>omit, insert—</i>	4
	; and	5
(2)	Section 143ADB(1)(b), ‘issued’—	6
	<i>omit, insert—</i>	7
	used	8
(3)	Section 143ADB(2), ‘anyone’—	9
	<i>omit, insert—</i>	10
	a person	11
(4)	Section 143ADB—	12
	<i>insert—</i>	13
	(2A) If the driver or an authorised person reasonably	14
	suspects that a person has just travelled on a	15
	concession ticket, the driver or authorised person	16
	may require the person to produce evidence of	17
	the person’s entitlement to the concession.	18
(5)	Section 143ADB(2A) and (3)—	19
	<i>renumber</i> as section 143ADB(3) and (4).	20
(6)	Section 143ADB(4), as renumbered, ‘the requirement’—	21
	<i>omit, insert—</i>	22
	a requirement under subsection (2) or (3)	23
Clause 68	Omission of s 143AF (Creating disturbance or nuisance on or in public transport infrastructure or vehicle)	24
		25
	Section 143AF—	26
	<i>omit.</i>	27

Clause 69	Amendment of s 143AHA (Power to require person to leave public transport infrastructure if person committing particular offences)	1 2 3
	Section 143AHA(3), definition <i>relevant provision</i> , paragraph (c)— <i>omit, insert—</i>	4 5
	(c) a provision of this Act that—	6
	(i) is about creating a disturbance or nuisance; and	7 8
	(ii) is prescribed by regulation; or	9
Clause 70	Insertion of new ss 143AHC and 143AHD	10
	After section 143AHB— <i>insert—</i>	11 12
	143AHC Direction to ensure orderly movement	13
	An authorised person may give a direction to a person on public transport infrastructure for the purpose of ensuring the orderly movement of persons onto, off, toward or away from public transport infrastructure.	14 15 16 17
	143AHD Direction to ensure safety and security	18
	(1) An authorised person may give a direction to a person on public transport infrastructure if the authorised person reasonably believes the direction is necessary to ensure the safety or security of 1 or more of the following—	19 20 21 22 23
	(a) persons employed on or in public transport infrastructure;	24 25
	(b) public transport infrastructure;	26
	(c) users of public transport infrastructure.	27
	(2) Without limiting subsection (1), an authorised person may give a direction about—	28 29

[s 71]

	(a) driving or parking a vehicle on public transport infrastructure; or	1 2
	(b) leaving property on public transport infrastructure.	3 4
Clause 71	Amendment of s 143AJ (Person given direction to be told particular things)	5 6
	(1) Section 143AJ(a)—	7
	<i>omit, insert—</i>	8
	(a) the reason the person has been given the direction; and	9 10
	(2) Section 143AJ—	11
	<i>insert—</i>	12
	(2) Subsection (1) does not apply if the direction is given because of an emergency.	13 14
Clause 72	Insertion of new s 143C	15
	After section 143B—	16
	<i>insert—</i>	17
	143C Unclaimed credit on smartcards	18
	(1) This section applies to a smartcard that is in credit, including any credit of a deposit paid for the smartcard.	19 20 21
	(2) The chief executive, with the Minister’s approval, may use the credit on dormant smartcards for an objective of this Act mentioned in section 2.	22 23 24
	(3) A smartcard is a dormant smartcard if, in the previous 5 years—	25 26
	(a) the smartcard has not been tagged off or tagged on; and	27 28
	(b) the balance on the smartcard has not increased.	29 30

	(4)	Subsection (2) does not affect a person's right to a refund of the credit on the person's smartcard.	1 2
	(5)	The <i>Public Trustee Act 1978</i> , section 102B does not apply to any credit on a smartcard.	3 4
Clause 73		Amendment of s 155 (Regulation-making power)	5
		Section 155(3)—	6
		<i>insert—</i>	7
		(da) provide for a matter relating to persons, vehicles or other property on public transport infrastructure; or	8 9 10
Clause 74		Insertion of new ch 13, pt 14	11
		Chapter 13—	12
		<i>insert—</i>	13
		Part 14	14
		Validation provisions for Transport and Other Legislation Amendment Act 2014	15 16 17
		203 Extended services under integrated mass transit service contracts	18 19
	(1)	This section applies if, before the commencement of this section, a person was permitted, required or invited to provide, under an integrated mass transit service contract, a road-based general route service for an undeclared area or route.	20 21 22 23 24 25
	(2)	The undeclared area or route is taken to be, and to always have been, part of the integrated mass transit area.	26 27 28

[s 75]

- (3) The chief executive must, by notice on the department's website, add the undeclared area or route to a service contract area or route within the integrated mass transit area. 1
2
3
4
- (4) The notice must be published on the department's website within 56 days after the commencement of this section. 5
6
7

204 Extended services under standard service contracts 8
9

- (1) This section applies if, before the commencement of this section, a person was permitted, required or invited to provide, under a standard service contract for a service contract area or route, a road-based general route service for an undeclared area or route. 10
11
12
13
14
15
- (2) The undeclared area or route is taken to be, and to always have been, part of the service contract area or route. 16
17
18
- (3) The chief executive must, by notice on the department's website, add the undeclared area or route to the service contract area or route. 19
20
21
- (4) The notice must be published on the department's website within 56 days after the commencement of this section. 22
23
24
- (5) This section applies to a road-based general route service that is a school service only if the service runs to a timetable fixed under the contract. 25
26
27

- Clause 75 Amendment of sch 1A (Driver disqualification offences)** 28
Schedule 1A, part 3, division 1— 29
insert— 30
10A section 359E (Punishment of unlawful stalking) 31

Clause 76	Amendment of sch 3 (Dictionary)	1
(1)	Schedule 3, definitions <i>tag off</i> and <i>tag on</i> —	2
	<i>omit.</i>	3
(2)	Schedule 3, definition <i>general route service</i> —	4
	<i>omit.</i>	5
(3)	Schedule 3—	6
	<i>insert</i> —	7
	<i>road-based general route service</i> means a	8
	general route service that—	9
	(a) is not an air service; or	10
	(b) is not a ferry service; or	11
	(c) does not involve a rail vehicle.	12
	<i>standard service contract</i> means a service	13
	contract that is not—	14
	(a) an integrated mass transit service contract;	15
	or	16
	(b) a prescribed school service contract.	17
	<i>tag off</i> means present a smartcard to a smartcard	18
	reader on completing a journey, or part of a	19
	journey, resulting in a response from the	20
	smartcard reader that the transaction is	21
	successful.	22
	<i>tag on</i> means present a smartcard to a smartcard	23
	reader on starting a journey, or part of a journey,	24
	resulting in a response from the smartcard reader	25
	that the transaction is successful.	26
	<i>undeclared area or route</i> means an area or route	27
	that is not a specified area or route to which a	28
	declaration, for a road-based general route	29
	service, under section 42(2) relates.	30
(4)	Schedule 3—	31
	<i>insert</i> —	32

[s 76]

- general route service* means a scheduled passenger service, other than a scheduled passenger service prescribed by regulation, that may be used by—
- (a) the general public; or
 - (b) a substantial part of the public; or
 - (c) a person who pays a subscription or a membership fee that is paid principally for the service.
- (5) Schedule 3—
insert—
busway see the *Transport Infrastructure Act 1994*, schedule 6.
- (6) Schedule 3, definition *proper officer*, ‘a civil banning order or’—
omit, insert—
an
- (7) Schedule 3, definition *public transport infrastructure*, paragraph (f)—
omit, insert—
 - (f) a busway;
 - (fa) busway transport infrastructure as defined under the *Transport Infrastructure Act 1994*, schedule 6;
- (8) Schedule 3, definition *public transport infrastructure*, paragraphs (fa) to (j)—
renumber as paragraphs (g) to (k).
- (9) Schedule 3, definition *public transport infrastructure*, paragraphs (i), (j) and (k), as renumbered, ‘or (g)’—
omit, insert—
or (h)

Part 9	Amendment of Transport Operations (Road Use Management) Act 1995	1
		2
		3
Clause 77	Act amended	4
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	5
		6
Clause 78	Amendment of s 60 (Evidentiary aids)	7
	Section 60(2)(t)(i), after ‘address’—	8
	<i>insert—</i>	9
	or postal address	10
Clause 79	Amendment of s 62 (Proceedings for offences)	11
	Section 62(2), from ‘that involves’ to ‘person’—	12
	<i>omit.</i>	13
Clause 80	Amendment of s 77 (Restricted written or electronic release of person’s prescribed authority and traffic history information)	14
		15
		16
	(1) Section 77(1)(c), ‘a person who’—	17
	<i>omit, insert—</i>	18
	an entity that	19
	(2) Section 77(1)—	20
	<i>insert—</i>	21
	(ca) an entity (a <i>foreign licensing authority</i>) that issues foreign driver licences; or	22
		23
	(3) Section 77(1)(ca) and (d)—	24
	<i>renumber</i> as section 77(1)(d) and (e).	25

[s 81]

- | | | |
|-----|--|----|
| (4) | Section 77(3), ‘a person’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | an entity | 3 |
| (5) | Section 77(3), ‘the person’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | the entity | 6 |
| (6) | Section 77(3A), ‘(1)(d)’— | 7 |
| | <i>omit, insert—</i> | 8 |
| | (1)(e) | 9 |
| (7) | Section 77(3A)— | 10 |
| | <i>renumber</i> as section 77(3B). | 11 |
| (8) | Section 77— | 12 |
| | <i>insert—</i> | 13 |
| | (3A) The chief executive may release information | 14 |
| | about a person’s prescribed authority or traffic | 15 |
| | history under subsection (1)(d) only on the | 16 |
| | following conditions— | 17 |
| | (a) the information may be used by the foreign | 18 |
| | licensing authority only to decide whether to | 19 |
| | issue a foreign driver licence to the person, | 20 |
| | unless the person gives written consent to | 21 |
| | another use; | 22 |
| | (b) the information may be released by the | 23 |
| | foreign licensing authority only with the | 24 |
| | person’s written consent. | 25 |
| (9) | Section 77(3A) to (6)— | 26 |
| | <i>renumber</i> as section 77(4) to (8). | 27 |

Clause 81	Insertion of new s 77AB	28
	After section 77AA—	29

insert—

77AB Confirming Queensland driver licence is valid

- (1) This section applies if a person (the *enquirer*) gives the chief executive, by electronic communication, all of the following items of information about a Queensland driver licence (the *identifying information*)—
- (a) the name and date of birth of the person in whose name the licence is issued;
 - (b) the number of the licence;
 - (c) any other information prescribed by a regulation.
- (2) If all of the items of identifying information match the information held by the department for the licence, the chief executive may, by electronic communication, confirm this with the enquirer and advise whether the licence is valid.
- (3) If some of the items of identifying information do not match the information held by the department for the licence, the chief executive may, by electronic communication, advise the enquirer of this but must not advise which of the items do not match.
- (4) In this section—
- valid*, in relation to a Queensland driver licence, means—
- (a) the licence has not expired; or
 - (b) the licence has not been cancelled or suspended; or
 - (c) the person in whose name the licence is issued is not disqualified from holding or obtaining a Queensland driver licence.

[s 82]

Clause 82	Amendment of s 78 (Driving of motor vehicle without a driver licence prohibited)	1
		2
	(1) Section 78(1A)(c), ‘(1D)’—	3
	<i>omit, insert—</i>	4
	(1E)	5
	(2) Section 78—	6
	<i>insert—</i>	7
	(1E) An infringement notice must not be issued to a person for a contravention of subsection (1) if the person has never held a driver licence.	8
		9
		10
	(3) Section 78(3), from ‘in addition’ to ‘penalty’—	11
	<i>omit, insert—</i>	12
	whether or not any other sentence is imposed	13
(4) Section 78(3)—	14	
<i>insert—</i>	15	
(k) if, at the time of committing the offence, the person had never held a driver licence—3 months.	16	
	17	
	18	
Clause 83	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	19
		20
	(1) Section 80(16B)(b), after ‘the analyst’—	21
	<i>insert—</i>	22
	or another analyst	23
	(2) Section 80(16B)—	24
<i>insert—</i>	25	
(ba) if a laboratory test of the delivered specimen was done by another analyst—the analyst who signed the certificate—	26	
	27	
	28	

	(i) examined the laboratory's records about the receipt, storage and testing of the delivered specimen; and	1 2 3
	(ii) confirms the records show that all quality assurance procedures for the receipt, storage and testing of the delivered specimen that were in place in the laboratory at the time of the laboratory test were complied with; and	4 5 6 7 8 9 10
(3)	Section 80—	11
	<i>insert—</i>	12
	Request for laboratory's records	13
(16BA)	If the commissioner receives a written request for a copy of the laboratory's records about the receipt, storage or testing of a delivered specimen from the person who gave the specimen, the commissioner must give a copy of the records to the person within 7 business days after receiving the request.	14 15 16 17 18 19 20
Clause 84	Insertion of new s 84A	21
	After section 84—	22
	<i>insert—</i>	23
	84A Driving of motor vehicles carrying placard loads in tunnels	24 25
	(1) A person must not drive a motor vehicle carrying a placard load in a tunnel that has a sign (a <i>placard load prohibited sign</i>) complying with subsection (2) at or before the entrance to the tunnel.	26 27 28 29 30
	Maximum penalty—	31

[s 84]

(a) if the contravention results in harm to a person, property or the environment—200 penalty units or 1 year’s imprisonment; or	1 2 3
(b) otherwise—100 penalty units.	4
(2) The placard load prohibited sign must—	5
(a) indicate that transporting a placard load in the tunnel is prohibited; and	6 7
(b) be clearly visible to a person entering the tunnel.	8 9
(3) In the absence of proof to the contrary—	10
(a) a motor vehicle is proved to be carrying a placard load if there is evidence of a placard placed on the vehicle or on a thing carried by the vehicle; and	11 12 13 14
(b) a placard load prohibited sign at or before the entrance to a tunnel is taken to be clearly visible to a person entering the tunnel.	15 16 17
(4) In this section—	18
<i>explosive</i> see the <i>Explosives Act 1999</i> , schedule 2.	19 20
<i>placard</i> means a placard required under this Act or another Act, or by a condition of a licence or other authority granted under an Act, to be used in transporting dangerous goods, explosives or radioactive substances.	21 22 23 24 25
<i>Notes—</i>	26
1 See the dangerous goods regulation.	27
2 See the <i>Explosives Act 1999</i> , section 50(2)(a).	28
3 See the <i>Radiation Safety Act 1999</i> , section 75(4).	29
<i>placard load</i> means a load of dangerous goods, explosives or radioactive substances that may be transported by a motor vehicle only if a placard	30 31 32

	about the load is placed on the vehicle or on a thing carried by the vehicle.	1 2
	<i>place</i> , on a motor vehicle or on a thing carried by a motor vehicle, includes attach to, or stencil or print on, the vehicle or the thing.	3 4 5
	<i>radioactive substance</i> see the <i>Radiation Safety Act 1999</i> , schedule 2.	6 7
Clause 85	Amendment of s 85 (Racing and speed trials on roads)	8
	Section 85(6), from ‘in’ to ‘penalty’—	9
	<i>omit, insert</i> —	10
	whether or not any other sentence is imposed	11
Clause 86	Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)	12 13
	(1) Section 86(6), ‘Any’—	14
	<i>omit, insert</i> —	15
	A	16
	(2) Section 86(6), from ‘is’—	17
	<i>omit, insert</i> —	18
	applies whether or not any other sentence is imposed for the offence.	19 20
Clause 87	Amendment of s 87 (Issue of restricted licence to disqualified person)	21 22
	Section 87(10A), from ‘In addition’ to ‘imposed’—	23
	<i>omit, insert</i> —	24
	Whether or not any other sentence is imposed for an offence under subsection (10)	25 26

omit, insert— 1
whether or not any other sentence is imposed 2

Clause 92 Amendment of s 92 (Duties and liabilities of drivers involved in road incidents) 3
4

- (1) Section 92(1), from ‘or damage’ to ‘person’— 5
omit. 6
- (2) Section 92(1)(i)— 7
omit. 8
- (3) Section 92(1)(c) and (j)— 9
renumber as section 92(1)(b) and (c). 10
- (4) Section 92(1), penalty— 11
omit, insert— 12
Maximum penalty—20 penalty units or 1 year’s 13
imprisonment. 14
- (5) Section 92(2), ‘(1)(c)(i)’— 15
omit, insert— 16
(1)(b)(i) 17
- (6) Section 92(4), from ‘in respect’ to ‘is injured’— 18
omit. 19
- (7) Section 92(4), ‘the injured person’— 20
omit, insert— 21
a person injured in the incident, 22
- (8) Section 92(5), from ‘who’ to ‘offence.’— 23
omit, insert— 24
who reports the happening of an incident mentioned in 25
subsection (1) to the Queensland Police Service 26
knowing the report to be false commits an offence. 27
- (9) Section 92(6)— 28

[s 93]

omit. 1

(10) Section 92(7), ‘The’— 2

omit, insert— 3

In a proceeding for an offence against this section, the 4

(11) Section 92(4) to (8)— 5

renumber as section 92(3) to (6). 6

Clause 93 Amendment of s 113 (Definitions for div 2) 7

(1) Section 113, definition *photographic detection device*— 8

omit. 9

(2) Section 113— 10

insert— 11

photographic detection device see section 12
113A(1). 13

unregistered or uninsured offence means a 14
camera-detected offence that involves a person 15
driving or otherwise using, or permitting 16
someone else to drive or otherwise use, a vehicle 17
that— 18

(a) is not registered as required by a regulation 19
under this Act; or 20

(b) is not insured as required by the *Motor* 21
Accident Insurance Act 1994. 22

(3) Section 113, definition *camera-detected offence*, after 23
‘photographic detection device’— 24

insert— 25

, or a photographic detection device that is linked to an 26
information technology system described in section 27
113A(2) 28

(4) Section 113, definition *person in charge*, paragraph (c)— 29

insert— 30

-
- (iii) if the person who was the registered operator gives a notice under section 114(3A)(b)—the person named, in any notice under the section, as the person who stole or took the vehicle; or
- (iv) if the person who was the registered operator gives a notice under section 114(3A)(c)—the person named, in any notice under the section, as the person to whom the vehicle was sold or disposed of.

Clause 94 Insertion of new s 113A

After section 113—

insert—

113A Photographic detection device defined

- (1) A *photographic detection device* is a device or system, that captures an image, of a type approved under a regulation as a photographic detection device.

Example—

- a digital device
- a camera system the components of which may include multiple cameras, trigger mechanisms, data transfer capability and image processing

- (2) Without limiting subsection (1), the device or system may be linked to an information technology system that—
- (a) accesses information held by the department, in order to detect an offence prescribed by regulation; and
- (b) if an offence prescribed by regulation is detected—issues an infringement notice for the offence.

	(i) the name and address of the person to whom the vehicle was sold or disposed of;	1 2 3
	(ii) the date and, if relevant, time of the sale or disposal.	4 5
(3)	Section 114(4) and (5)—	6
	<i>omit, insert—</i>	7
	(4) A defence under subsection (3) or (3A) is available only if the person notifies the commissioner or chief executive about the matters in subsections (3) and (6), or subsection (3A), in a statutory declaration given within the required time.	8 9 10 11 12 13
	(5) The required time is 28 days after whichever of the following is first given to the person—	14 15
	(a) a written notice from the commissioner or chief executive alleging a camera-detected offence;	16 17 18
	(b) an infringement notice under the <i>State Penalties Enforcement Act 1999</i> .	19 20
(4)	Section 114—	21
	<i>insert—</i>	22
	(10) In this section—	23
	<i>photographic detection device</i> includes a photographic detection device that is linked to an information technology system described in section 113A(2).	24 25 26 27
Clause 96	Amendment of s 115 (Limitation of prosecution period extended in particular circumstances)	28 29
	Section 115(1)—	30
	<i>omit, insert—</i>	31

[s 97]

	(1) This section applies if a conviction or enforcement order against a person for a camera-detected offence is set aside because the person can not be proved to have committed the offence.	1 2 3 4 5
Clause 97	Amendment of s 116 (Notice accompanying summons)	6
	Section 116(1)(a)—	7
	<i>omit, insert—</i>	8
	(a) if someone has notified the commissioner or chief executive of the name and address of a person under section 114(3)(b)(i) or (3A)(b)(i) or (c)(i)—the particulars of the notification; and	9 10 11 12 13
Clause 98	Amendment of s 118 (Photographic evidence—inspection)	14 15
	Section 118(2) and (3), ‘commissioner’—	16
	<i>omit, insert—</i>	17
	prosecution	18
Clause 99	Amendment of s 119 (Notice of dispute about traffic control device or sign)	19 20
	Section 119(1), ‘commissioner’—	21
	<i>omit, insert—</i>	22
	prosecution	23
Clause 100	Amendment of s 120 (Evidentiary provisions)	24
	(1) Section 120(2) and (2A), ‘the commissioner’—	25
	<i>omit, insert—</i>	26
	an official	27

-
- (2) Section 120(9)— 1
insert— 2
official— 3
(a) generally—means the commissioner or the 4
chief executive; and 5
(b) in a proceeding for an offence against 6
section 84A(1)—includes a toll officer 7
within the meaning of section 166A. 8

- Clause 101 Amendment of s 127 (Effect of disqualification)** 9
Section 127(11), from ‘in addition’ to ‘on conviction’— 10
omit, insert— 11
whether or not any other sentence is imposed 12

- Clause 102 Replacement of s 133 (Occupiers of garages etc. to keep register of repairs)** 13
Section 133— 14
omit, insert— 15
133 Business owner to record information about repairs and painting 17
(1) A person (*business owner*) who operates a 19
business that includes the repair or painting of 20
motor vehicles or trailers must ensure a record is 21
kept of each of the following (the *required* 22
information) for a motor vehicle or trailer the 23
business owner or an employee of the business 24
owner repairs or paints in the course of operating 25
the business— 26
(a) the make and model of the motor vehicle or 27
trailer; 28
(b) the VIN or chassis number of the motor 29
vehicle or trailer; 30

[s 102]

- (c) if the motor vehicle or trailer has a number plate—the registration number displayed on the plate; 1
2
3
- (d) the colour of the motor vehicle or trailer— 4
 - (i) before it is repaired or painted; and 5
 - (ii) after it is repaired or painted (if different); 6
7
- (e) the name and contact details of the person for whom the repair or painting is carried out (the *customer*); 8
9
10
- (f) the date and time the motor vehicle or trailer is delivered to the business owner or access is given to it; 11
12
13
- (g) the proposed nature of the repair or painting at the time the motor vehicle or trailer is delivered or access is given to it; 14
15
16
- (h) if, during the period the motor vehicle or trailer is in the business owner’s control, a person drives the motor vehicle or a motor vehicle attached to the trailer on a road outside the business owner’s premises— 17
18
19
20
21
 - (i) the person’s name and contact details; 22
and 23
 - (ii) the date and time the person started and ended driving the motor vehicle; 24
25
- Example for paragraph (h)—* 26
 - If an employee of the business owner tests the motor vehicle or trailer on a road, the employee’s name, contact details and the date and time the employee started and ended driving the motor vehicle must be recorded. 27
28
29
30
31
- (i) if a part for the repair of the motor vehicle or trailer is supplied by the customer or another person on the customer’s behalf—details of the part; 32
33
34
35

-
- (j) if the repair or painting carried out is different from the proposed nature of the repair or painting recorded under paragraph (g)—the repair or painting carried out;
- (k) any other information prescribed under a regulation.
- Maximum penalty—40 penalty units.
- (2) If both a motor vehicle and a trailer attached to the motor vehicle are being repaired or painted, the business owner must ensure the required information is recorded for both the motor vehicle and the trailer.
- (3) The required information may be recorded in different documents.
- Example for subsection (3)—*
- A business owner may record the required information about the same motor vehicle or trailer in a job card, invoice, receipt or computer program.
- (4) If the required information is recorded in more than 1 document, the business owner must also record in each document information that identifies the motor vehicle or trailer.
- Maximum penalty—40 penalty units.
- Example for subsection (4)—*
- A business owner may record in each document a job code that identifies the motor vehicle or trailer.
- (5) The business owner must ensure the name and address of the business owner's business is recorded in at least 1 of the documents in which the required information is recorded.
- Maximum penalty—40 penalty units.
- (6) A person must not state, or cause or allow to be stated, required information, or information that must be recorded under subsection (4) or (5), that

[s 102]

the person knows, or ought reasonably to know, 1
is false or misleading in a material particular. 2

Maximum penalty—40 penalty units. 3

(7) In this section— 4

contact details, of a person, means the person’s 5
address or telephone number. 6

employee includes agent or contractor. 7

paint, a motor vehicle or trailer, means— 8

(a) paint to change the predominant colour of 9
the motor vehicle or trailer; or 10

(b) paint a part of the motor vehicle or trailer 11
that has or may have been damaged because 12
of a collision involving the motor vehicle or 13
trailer. 14

repair, a motor vehicle or trailer, means to restore 15
or replace a part of the motor vehicle or trailer 16
that has or may have been damaged because of— 17

(a) corrosion; or 18

(b) a collision involving the motor vehicle or 19
trailer. 20

133A When information in s 133 must be recorded 21

(1) The business owner must record the information 22
mentioned in section 133(1) within the following 23
periods— 24

(a) for information mentioned in section 25
133(1)(a) to (c), (d)(i) and (e) to (g)—as 26
soon as practicable after the motor vehicle 27
or trailer is delivered or access is given to it; 28

(b) for information mentioned in section 29
133(1)(d)(ii) and (j)—as soon as practicable 30
after the motor vehicle or trailer is repaired 31
or painted but before the motor vehicle or 32

trailer ceases to be under the business owner's control;	1 2
(c) for information mentioned in section 133(1)(h)—as soon as practicable after the person mentioned in section 133(1)(h) drives the motor vehicle or a motor vehicle attached to the trailer;	3 4 5 6 7
(d) for information mentioned in section 133(1)(i)—as soon as practicable after the part is supplied;	8 9 10
(e) for information mentioned in section 133(1)(k)—the period prescribed under a regulation.	11 12 13
(2) The business owner must record the information mentioned in section 133(4) when the required information is recorded in the relevant document.	14 15 16
(3) The business owner must record the information mentioned in section 133(5) when the required information mentioned in subsection (1)(a) is recorded.	17 18 19 20
133B How long information in s 133 must be kept	21
The business owner must keep the information mentioned in section 133(1), (4) and (5) for 3 years after the day the motor vehicle or trailer ceases to be under the business owner's control.	22 23 24 25
Maximum penalty—40 penalty units.	26
Clause 103 Amendment of s 140 (Service if address unknown etc.)	27
Section 140(1) and (2), after 'business'—	28
<i>insert—</i>	29
, postal address	30

[s 104]

Clause 104	Amendment of s 151 (Application of ch 5A)	1
	Section 151(1)—	2
	<i>insert—</i>	3
	<i>Note—</i>	4
	Also see section 84A.	5
Clause 105	Insertion of new s 166A	6
	After section 166—	7
	<i>insert—</i>	8
	166A Toll officers	9
	(1) Each of the following persons is a <i>toll officer</i> —	10
	(a) the highest ranking executive of a toll operator; or	11 12
	(b) an employee, of the toll operator, who is appointed by its highest ranking executive because the employee has the necessary expertise or experience; or	13 14 15 16
	(c) a person approved as a toll officer under subsection (2) or (3).	17 18
	(2) The chief executive may approve the following persons as toll officers for a toll road—	19 20
	(a) the highest ranking executive of a contractor to a toll operator;	21 22
	(b) an employee, of the contractor, who the chief executive considers has the necessary expertise or experience.	23 24 25
	(3) The chief executive officer of a local government may approve the following persons as toll officers for a local government tollway—	26 27 28
	(a) the highest ranking executive of a contractor to a toll operator;	29 30

	(b) an employee, of the contractor, who the chief executive officer considers has the necessary expertise or experience.	1 2 3	
	(4) In this section— <i>toll operator</i> means—	4 5	
	(a) for a toll road—a person who is to operate the toll road under a road franchise agreement within the meaning of the <i>Transport Infrastructure Act 1994</i> ; or	6 7 8 9	
	(b) for a local government tollway—a local government tollway operator within the meaning of the <i>Transport Infrastructure Act 1994</i> .	10 11 12 13	
Clause 106	Insertion of new ch 7, pt 18	14	
	Chapter 7—	15	
	<i>insert</i> —	16	
	Part 18	Transitional provision for Transport and Other Legislation Amendment Act 2014	17 18 19 20
	227 Keeping register under former s 133	21	
	(1) This section applies to a person who, before the commencement of this section, kept a register under section 133.	22 23 24	
	(2) Section 133(2) and (3)(a) continue to apply to the person in relation to the keeping of the register as if the <i>Transport and Other Legislation Amendment Act 2014</i> , part 9 had not commenced.	25 26 27 28	

[s 107]

Clause 107	Amendment of sch 4 (Dictionary)	1
(1)	Schedule 4, definition <i>smartcard authority</i> —	2
	<i>omit.</i>	3
(2)	Schedule 4, definition <i>smartcard driver licence</i> —	4
	<i>omit.</i>	5
(3)	Schedule 4—	6
	<i>insert</i> —	7
	<i>local government tollway</i> see the <i>Transport Infrastructure Act 1994</i> , section 105GA(5).	8 9
	<i>sentence</i> see the <i>Penalties and Sentences Act 1992</i> , section 4.	10 11
	<i>smartcard authority</i> means a prescribed authority in the form of a card, or something similar, that is approved by the chief executive and on which information may be stored electronically.	12 13 14 15 16
	<i>toll road</i> see the <i>Transport Infrastructure Act 1994</i> , section 92.	17 18
	<i>unregistered or uninsured offence</i> see section 113(1).	19 20
(4)	Schedule 4—	21
	<i>insert</i> —	22
	<i>personal mobility device</i> means a vehicle that—	23
	(a) is designed to be used by 1 person; and	24
	(b) is prescribed by regulation to be a personal mobility device.	25 26
(5)	Schedule 4, definition <i>motor vehicle</i> , paragraph (b), after ‘scooter’—	27 28
	<i>insert</i> —	29
	, a personal mobility device	30

-
- (6) Schedule 4, definition *photographic detection device*, ‘section 113’— 1
2
omit, insert— 3
section 113A(1) 4
- (7) Schedule 4, definition *traffic history—* 5
insert— 6
- (d) the contraventions of the *Police Powers and Responsibilities Act 2000*, section 754 for 7
which the person has been dealt with. 8
9

Part 10 **Amendment of Transport Planning and Coordination Act 1994** 10
11
12

Clause 108 Act amended 13
This part amends the *Transport Planning and Coordination Act 1994*. 14
15

Clause 109 Amendment of s 3 (Definitions) 16
Section 3— 17
insert— 18

benefited land, for part 4, division 2, see section 19
28AE(1). 20

burdened land, for part 4, division 2, see section 21
28AE(1). 22

original owner, for part 4, division 2, see section 23
28AB. 24

owner, for part 4, division 2, see section 28AB. 25

[s 110]

	<i>registered</i> , for part 4, division 2, see section 28AB.	1 2
	<i>transport easement for support</i> , for part 4, division 2, see section 28AC.	3 4
	<i>transport infrastructure</i> , for part 4, division 2, see section 28AB.	5 6
	<i>unallocated State land</i> , for part 4, division 2, see section 28AB.	7 8
Clause 110	Insertion of new pt 4, div 1, hdg	9
	After part 4 heading—	10
	<i>insert</i> —	11
	Division 1 General	12
Clause 111	Amendment of s 25 (General powers regarding property)	13
	Section 25(6), after ‘easement’—	14
	<i>insert</i> —	15
	, including a transport easement for support,	16
Clause 112	Amendment of s 27A (Power of chief executive to dispose of land)	17 18
	(1) Section 27A(3) and (4)—	19
	<i>omit, insert</i> —	20
	(3) The chief executive may take an easement over all or part of the land to ensure the structural and operational integrity of transport infrastructure.	21 22 23
	(2) Section 27A(6)(b)(ii)—	24
	<i>omit, insert</i> —	25
	(ii) if the chief executive has registered an easement—the easement has been	26 27

	registered and the nature and terms of	1
	the easement; and	2
(3)	Section 27A(6)(b)(iv), ‘mentioned in subsection (3)’—	3
	<i>omit.</i>	4
Clause 113	Insertion of new pt 4, div 2	5
	After section 28AA—	6
	<i>insert—</i>	7
	Division 2 Transport easement for support	8
		9
	28AB Definitions for div 2	10
	In this division—	11
	<i>benefited land</i> see section 28AE(1).	12
	<i>burdened land</i> see section 28AE(1).	13
	<i>original owner</i> , for benefited land or burdened land for a transport easement for support, means the owner of the land when the easement was created.	14
		15
		16
		17
	<i>owner</i> , of land, means—	18
	(a) for freehold land—the registered owner or lessee of the land; or	19
		20
	(b) for non-freehold land—	21
	(i) the lessee or licensee of the land; or	22
	(ii) if the land is a reserve or unallocated State land—the State.	23
		24
	<i>registered</i> means registered under the <i>Land Act 1994</i> or <i>Land Title Act 1994</i> .	25
		26
	<i>transport easement for support</i> see section 28AC.	27
		28

[s 113]

transport infrastructure has the meaning given 1
in the *Transport Infrastructure Act 1994*, 2
schedule 6. 3

unallocated State land means unallocated State 4
land under the *Land Act 1994*. 5

28AC Meaning of *transport easement for support* 6

- (1) A *transport easement for support* is an easement 7
created for the purpose of support. 8
- (2) A transport easement for support may be created 9
only— 10
 - (a) in relation to adjoining lots; and 11
 - (b) if the benefited land is transport land. 12
- (3) A document or instrument of easement for a 13
transport easement for support must state that the 14
easement is created for the purpose of support. 15
- (4) The approval of the Minister administering the 16
Land Act 1994 is not required for— 17
 - (a) the creation of a transport easement for 18
support under section 362(1) of that Act; or 19
 - (b) the registration of a document creating a 20
transport easement for support under section 21
363(1) of that Act. 22
- (5) In this section— 23

adjoining lot, for a transport easement for 24
support, includes a lot (*contiguous lot*) adjoining 25
the adjoining lot for the easement, if the 26
contiguous lot is needed for support. 27

transport land includes land— 28
 - (a) proposed to be acquired for transport 29
purposes or for an incidental purpose; and 30
 - (b) used, or proposed to be used, for transport 31
purposes or for an incidental purpose. 32

28AD Application of div 2	1
(1) This division applies to a registered easement that is a transport easement for support.	2 3
(2) A provision of an Act that provides for the creation, recording or taking of an easement applies to a transport easement for support to the extent the provision is not varied under this division.	4 5 6 7 8
(3) In this section—	9
<i>Act</i> includes the <i>Acquisition of Land Act 1967</i> , <i>Land Act 1994</i> and <i>Land Title Act 1994</i> .	10 11
28AE Rights and liabilities relating to benefited land and burdened land	12 13
(1) An easement for lateral, subadjacent or superjacent support exists in favour of land (the <i>benefited land</i>) against other land (the <i>burdened land</i>) if the burdened land is capable of supplying lateral, subadjacent or superjacent support to the benefited land.	14 15 16 17 18 19
(2) The easement entitles the owner of the benefited land to enter the burdened land, other than a part of the land where a person resides, for the easement—	20 21 22 23
(a) to inspect the burdened land for the purpose of preventing or rectifying any infringement of the rights of the owner of the benefited land; and	24 25 26 27
(b) to maintain, change or replace all or part of a structure providing support.	28 29
(3) An owner of the burdened land—	30
(a) must do all things necessary to ensure that support for the benefited land by the burdened land is maintained; and	31 32 33

[s 113]

- (b) must not, without the written consent of the owner of the benefited land—
 - (i) remove, or allow another person to remove, support for the benefited land, other than as required under paragraph (a); or
 - (ii) change, or allow another person to change, support for the benefited land, other than as required under paragraph (a); or
 - (iii) do, or allow another person to do, anything that interferes with, or otherwise compromises, support for or the structural integrity of the benefited land, other than as required under paragraph (a).
- (4) If the owner of the burdened land does not comply with subsection (3)(a) or (b), the owner of the benefited land may recover the cost of maintaining or replacing any support from the owner of the benefited land as a debt payable to the owner of the benefited land.
- (5) In a proceeding, subsection (3) is to be read in favour of the owner of the benefited land.

28AF Notice of entry

- (1) This section applies if the owner of benefited land is entitled to enter the burdened land under section 28AE.
- (2) Before exercising the right of entry, the owner of the benefited land must give the owner of the burdened land reasonable notice in writing of—
 - (a) the owner's intention to enter the burdened land; and

-
- (b) details of the inspection or the maintenance, 1
change or replacement to be carried out. 2
- (3) However, if in the circumstances, urgent 3
maintenance, change or replacement is required 4
(because the structure has been destroyed, for 5
example) and it is impractical to give a notice 6
under subsection (2)— 7
- (a) the owner of the benefited land may exercise 8
the right of entry without giving the notice 9
to carry out the urgent maintenance or 10
replacement; and 11
- (b) as soon as practicable after the entry, the 12
owner of the benefited land must give the 13
owner of the burdened land written notice of 14
the entry and details of the maintenance or 15
replacement carried out. 16

28AG Continuation of transport easement for support 17
18

- (1) A transport easement for support continues over 19
affected land. 20
- (2) *Affected land* is land that is benefited, or 21
burdened, by a transport easement for support 22
and— 23
- (a) is dealt with under the *Land Act 1994* or 24
Land Title Act 1994; or 25
- (b) becomes unallocated State land. 26
- (3) The owner of the affected land is taken to be the 27
successor in title of the original owner of the 28
land. 29
- (4) The benefit of a transport easement for support 30
passes with the benefited land. 31
- (5) The burden of a transport easement for support 32
passes with the burdened land. 33

[s 113]

- (6) This section applies to affected land that becomes unallocated State land despite the following—
- (a) section 28AC(2)(b);
 - (b) the *Land Act 1994*, section 372;
 - (c) the *Land Title Act 1994*, section 85(3).
- (7) In this section—
- dealt with*** means—
- (a) for land under the *Land Act 1994*—
 - (i) granted in fee simple or in fee simple in trust; or
 - (ii) leased; or
 - (iii) dedicated as a reserve under an Act; or
 - (iv) surrendered as a lease; or
 - (b) for land under the *Land Title Act 1994*—reconfigured under that Act.

28AH Terms bind successors in title

- (1) Each term, whether positive or negative, for a transport easement for support—
- (a) is for the benefit of any successors in title of the benefited land; and
 - (b) is binding on any successors in title of the burdened land.
- (2) However, subsection (1) does not apply to a term expressed to apply only to the original owner of the benefited land or burdened land.
- (3) In this section—
- term***, for a transport easement for support, means—
- (a) a covenant or other term stated in the document or instrument of easement; and

	(b) a requirement under section 28E(3).	1
Clause 114	Omission of s 36H (Storing emergency contact information electronically on a relevant prescribed document)	2
	Section 36H—	3
	<i>omit.</i>	4
		5
		6
Clause 115	Insertion of new s 36H	7
	After section 36G—	8
	<i>insert—</i>	9
	36H Service of document by post	10
	(1) This section applies if a transport Act requires or permits a document to be served on a person.	11
		12
	(2) The <i>Acts Interpretation Act 1954</i> , section 39 applies as if the reference to a person's address included a reference to the postal address that the person last notified to the department.	13
		14
		15
		16
	(3) In this section—	17
	<i>person's address</i> means the address of the place of residence or business of the person, or the head office, a registered office or a principal office of the body corporate.	18
		19
		20
		21
Clause 116	Insertion of new pt 7	22
	After section 38—	23
	<i>insert—</i>	24

[s 117]

Part 7	Transitional provision for the Transport and Other Legislation Amendment Act 2014	1 2 3 4
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- | | | |
|--|--|----------------------------|
| 39 Easement for support registered before commencement | | 5
6 |
| (1) This section applies if an easement for support is registered over State land before the commencement of this section. | | 7
8
9 |
| (2) The easement for support is taken to be a transport easement for support under section 28AC. | | 10
11
12 |
| (3) Part 4, division 2 applies to the easement for support as if that division was in force when the easement for support was registered. | | 13
14
15 |
| (4) In this section— | | 16 |
| <i>easement for support</i> means a document or instrument of easement that, when registered, complied with section 28AC(1), (2) and (3) as if those provisions were in force before the commencement. | | 17
18
19
20
21 |
| <i>State land</i> has the meaning given by the <i>Transport Infrastructure Act 1994</i> . | | 22
23 |

Part 11	Minor and consequential amendments	24 25
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- | | | |
|-------------------|---|----|
| Clause 117 | Legislation amended in schedule 1 | 26 |
| | Schedule 1 amends the provisions mentioned in it. | 27 |

Schedule 1	Minor and consequential amendments	1 2
	section 117	3
	Maritime Safety Queensland Act 2002	4
1	Part 5, division 3, heading, after ‘Pilotage’— <i>insert—</i>	5 6
	and Document Verification	7
	Transport Infrastructure Act 1994	8
1	Section 2(2)(i)(x) and (xi)— <i>renumber as section 2(2)(i)(ix) and (x).</i>	9 10
2	Section 10, ‘(Obligations about government supported transport infrastructure)’— <i>omit.</i>	11 12 13
3	Section 25, ‘(Declaration of State-controlled roads)’— <i>omit.</i>	14 15
4	Section 30, ‘(Powers of chief executive for road works contracts etc.)’— <i>omit.</i>	16 17 18

Schedule 1

5	Section 31(1), ‘(Powers of chief executive for road works contracts etc.)’—	1 2
	<i>omit.</i>	3
6	Section 34(1), ‘(Prohibition on road works etc. on State-controlled roads)’—	4 5
	<i>omit.</i>	6
7	Section 37(1), ‘(Temporary occupation and use of land)’—	7
	<i>omit.</i>	8
8	Section 44(1)(a), ‘(Impact of certain local government decisions on State-controlled roads)’—	9 10
	<i>omit.</i>	11
9	Section 44(3)(a), ‘(Distraction of traffic on motorways)’—	12
	<i>omit.</i>	13
10	Section 45(2), ‘(Powers of chief executive for road works contracts etc.)’—	14 15
	<i>omit.</i>	16
11	Section 52(1), ‘(Ancillary works and encroachments)’—	17
	<i>omit.</i>	18
12	Section 59, after ‘for example’—	19
	<i>insert—</i>	20
	,	21

13	Section 81(1), ‘(Specification of chief executive’s requirements about public utility plant)’— <i>omit.</i>	1 2 3
14	Section 82(1)(a), ‘(Information by owner of public utility plant to chief executive)’— <i>omit.</i>	4 5 6
15	Section 83, before ‘—’— <i>insert—</i> the following	7 8 9
16	Section 83, ‘; or’— <i>omit, insert—</i> ;	10 11 12
17	Section 108(a), ‘railway infrastructure’— <i>omit, insert—</i> rail transport infrastructure	13 14 15
18	Section 241(5)— <i>omit.</i>	16 17
19	Section 282H(5)(i), ‘(vi)’— <i>omit, insert—</i> (iv)	18 19 20
20	Section 283ZY(2) and (4), after ‘is’— <i>insert—</i> for	21 22 23

Schedule 1

21	Section 283ZZB(3)(g) and (f)—	1
	<i>renumber</i> as section 283ZZB(3)(f) and (g).	2
22	Section 283ZZC(1), ‘part’—	3
	<i>omit, insert—</i>	4
	chapter	5
23	Section 283ZZF(1) and (2), after ‘functions to’—	6
	<i>insert—</i>	7
	the	8
24	Section 283ZZJ(1)(a)(i), after ‘before’—	9
	<i>insert—</i>	10
	the	11
25	Section 319, ‘affects’—	12
	<i>insert—</i>	13
	effects	14
26	Section 331(2), ‘affect’—	15
	<i>insert—</i>	16
	effect	17
27	Section 335AL(2)(d), ‘Editor’s note’—	18
	<i>insert—</i>	19
	<i>Note</i>	20

28	Section 367, ‘affects’—	1
	<i>insert—</i>	2
	effects	3
29	Section 377G(1), ‘Local Government Act 1993’—	4
	<i>omit.</i>	5
30	Section 377H, ‘Editor’s note’—	6
	<i>insert—</i>	7
	<i>Note</i>	8
31	Section 379(2)(a), ‘affect’—	9
	<i>insert—</i>	10
	effect	11
32	Section 466(5), ‘Editor’s note’—	12
	<i>omit, insert—</i>	13
	<i>Note—</i>	14
33	Section 524—	15
	<i>insert—</i>	16
	(3) In this section—	17
	<i>certificate of accreditation</i> has the meaning	18
	given by section 126(7) as in force immediately	19
	before the commencement of the <i>Transport (Rail</i>	20
	<i>Safety) Act 2010</i> , section 334.	21

34	Section 526, after the example—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	Chapter 7, part 3 was repealed by the <i>Transport (Rail Safety) Act 2010</i> and regulation conditions are no longer applicable.	4 5 6
	(4) In this section—	7
	<i>approved safety management system</i> has the meaning given by section 122 as in force immediately before the commencement of the <i>Transport (Rail Safety) Act 2010</i> , section 334.	8 9 10 11
35	Section 531(6)—	12
	<i>insert—</i>	13
	<i>civil or criminal proceeding</i> has the meaning given by section 213B as in force immediately before the commencement of the <i>Transport (Rail Safety) Act 2010</i> , section 336.	14 15 16 17
	<i>coronial procedure</i> has the meaning given by section 213B as in force immediately before the commencement of the <i>Transport (Rail Safety) Act 2010</i> , section 336.	18 19 20 21
	<i>individual</i> has the meaning given by section 213B as in force immediately before the commencement of the <i>Transport (Rail Safety) Act 2010</i> , section 336.	22 23 24 25
36	Chapter 18, part 8 heading—	26
	<i>omit.</i>	27
37	Chapter 18, part 13, division 1 heading—	28
	<i>omit.</i>	29

38	Chapter 18, part 13, division 2 heading—	1
	<i>omit.</i>	2
39	Schedule 3, from entry for section 313 to entry for section 315(4)—	3
	<i>omit.</i>	4
	<i>omit.</i>	5
40	Schedule 3, entry for section 346R(1)(c)—	6
	<i>omit.</i>	7
41	Schedule 6, definitions <i>approved safety management system, certificate of accreditation, civil or criminal proceeding, coronial procedure, individual, registered interest and regulation condition—</i>	8
	<i>omit.</i>	9
	<i>omit.</i>	10
	<i>omit.</i>	11
	<i>omit.</i>	12
42	Schedule 6—	13
	<i>insert—</i>	14
	<i>unregistered right</i> , for chapter 7, part 7, see section 239AH.	15
		16
43	Schedule 6, definition <i>acquire</i>, ‘and chapter 10, part 3’—	17
	<i>omit.</i>	18
44	Schedule 6, definition <i>ancillary works and encroachments</i>, paragraph (a)(xiv) to (xviii)—	19
	<i>renumber</i> as paragraph (a)(xiii) to (xvii).	20
		21
45	Schedule 6, definition <i>compensation notice</i>, ‘section 411’—	22
	<i>omit, insert—</i>	23
	<i>omit, insert—</i>	24
	section 402	25

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46	Schedule 6, definition <i>local government tollway corridor land</i>, ‘, for chapter 6, part 8 and section 249,’—	1 2
	<i>omit.</i>	3
47	Schedule 6, definition <i>local government tollway franchise agreement</i>, ‘section 105Y’—	4 5
	<i>omit, insert—</i>	6
	section 105B	7
48	Schedule 6, definition <i>motorway</i>, ‘(Declaration of motorways)’—	8 9
	<i>omit.</i>	10
	 Transport Operations (Road Use Management) Act 1995	 11 12
1	Section 30(4), editor’s note—	13
	<i>omit, insert—</i>	14
	<i>Note—</i>	15
	See sections 49, 49A and 50AB for powers about requiring or directing a person to produce a document, provide information or help an authorised officer find and gain access to a document or information.	16 17 18 19
2	Section 30A(8), editor’s note—	20
	<i>omit, insert—</i>	21
	<i>Note—</i>	22
	See sections 49, 49A and 50AB for powers about requiring or directing a person to produce a document, provide information or help an authorised officer find and gain access to a document or information.	23 24 25 26

3	Section 39(1A), editor's note—	1
	<i>omit, insert—</i>	2
	<i>Note—</i>	3
	See sections 49, 49A and 50AB for powers about	4
	requiring or directing a person to produce a document,	5
	provide information or help an authorised officer find	6
	and gain access to a document or information.	7
4	Section 51G(1)(a), 'either'—	8
	<i>omit, insert—</i>	9
	any of the following applies	10
5	Section 51G(1)(a), '; or'—	11
	<i>omit, insert—</i>	12
	;	13
6	Section 100(1), editor's note—	14
	<i>omit, insert—</i>	15
	<i>Note—</i>	16
	Also see section 51G, which deals with the chief	17
	executive's power to move a vehicle, load or other thing	18
	on a road.	19
7	Section 126(1)(d) to (f)—	20
	<i>renumber</i> as section 126(1)(a) to (c).	21
8	Section 139(3)—	22
	<i>renumber</i> as section 139(2).	23

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9	Section 153A(2), editor’s note—	1
	<i>omit, insert—</i>	2
	<i>Note—</i>	3
	Also see the Criminal Code, section 16.	4
10	Section 170(1), editor’s note—	5
	<i>omit, insert—</i>	6
	<i>Note—</i>	7
	See chapter 5, part 7, division 2 for other provisions about camera-detected offences.	8 9
11	Section 171(3)(f) to (h)—	10
	<i>renumber</i> as section 171(3)(e) to (i).	11
12	Chapter 7, part 5, heading, ‘provisions’—	12
	<i>omit, insert—</i>	13
	provision	14
13	Chapter 7, part 6, heading, ‘provisions’—	15
	<i>omit, insert—</i>	16
	provision	17

Transport Planning and Coordination Act 1994	1
1 Section 36K(2)(b)(i), ‘commissioner’—	2
<i>omit, insert—</i>	3
chief executive	4

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